

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

STEVEN STOCKMAN,

Plaintiff,

vs.

GE LIFE, DISABILITY AND
MEDICAL PLAN, *et al.*,

Defendants.

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Case No. 3:12cv56

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JUDGE WALTER H. RICE

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DECISION AND ENTRY OVERRULING PLAINTIFF'S MOTION FOR
ATTORNEY FEE'S AND COSTS (DOC. #18), WITHOUT PREJUDICE TO
RENEWAL IN UPDATED FASHION AFTER APPELLATE COURT
DECISION, SHOULD THIS COURT'S DECISION BE AFFIRMED;
PROCEDURES SUGGESTED

At this Court's request, following a decision on the merits in Plaintiff's favor, his counsel filed a "bare-bones" Motion for Attorney's Fees and Costs pursuant to 29 U.S.C. ¶ 1132(g)(1) (Doc. 18). Given that this matter is presently on appeal and, further, should this Court's decision be affirmed on appeal, Plaintiff will wish to file an amended motion for attorney's fees and costs, by updating the initial request for fees and costs expended in the appellate process, the initial Motion for Attorney's Fees and Costs (Doc. #18) is overruled, without prejudice to renewal at the conclusion of the appellate process, should this Court's decision be affirmed on appeal.

In the event that the Court of Appeal affirms the trial court in this matter, Plaintiff may file an amended motion for attorney's fees and costs, within thirty days of the appellate court's decision,

without seeking leave of Court to do so. Defendants will then have thirty days within which to respond to Plaintiff's amended request, following which the moving Plaintiff will have fourteen days thereafter to file whatever reply memorandum is deemed necessary.



September 10, 2014

WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record